

UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

RICHARD PIOTROWSKI :
Plaintiff,
v. : C.A. NO.: 06CV631-SLR
MAO M. IAN :
Defendants/Third-Party Plaintiffs,
v. :
HANOVER INSURANCE COMPANY, and :
ALLSTATE INSURANCE COMPANY, :
Third-Party Defendants.
:

MOTION FOR ENTRY OF JUDGMENT BY DEFAULT

COMES NOW, the plaintiff, by and through his attorney and hereby requests that this Honorable Court enter a judgment by default against defendant Hanover Insurance Company pursuant to Superior Court Civil Rule 55(b)(2). In support of his Motion, plaintiff shows the following:

1. On or about October 11, 2006, Plaintiff filed a Complaint, seeking damages from Defendants Mao M. Ian and Sui Mai arising from injuries the plaintiff suffered as a result of a motor vehicle accident which occurred on November 4, 2004.
2. On or about December 5, 2006, Defendants Mao M. Ian and Sui Mai filed an Answer to Plaintiff's Complaint with a Third-Party Complaint against Hanover Insurance Company.
3. On or about August 1, 2007, Plaintiff filed a Motion for Leave to File an

Amended Complaint adding Hanover Insurance Company as an additional Defendant.

4. On or about September 19, 2007, a Summons was issued directing service upon Defendant Insurance Corporation of Hanover, at its principle place of business located at 500 Park Boulevard, Suite 1350, Itasca, Illinois, 60143.

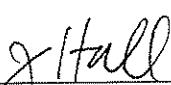
5. On or about September 25, 2007, defendant Hanover Insurance Company was served with the summons and amended complaint.

6. On October 11, 2007, Plaintiff filed a Return of Service upon defendant Hanover Insurance Company. (A copy is attached hereto as Exhibit "A".)

7. As of the date of the drafting of this Motion, defendant Hanover Insurance Company has failed to file an Answer or otherwise respond or plead to the complaint.

WHEREFORE, plaintiff respectfully requests that this Court to enter an Order Granting Plaintiff's Motion for Default Judgment against defendant Hanover Insurance Company.

PHILLIPS, GOLDMAN & SPENCE, P.A.


JAMES P. HALL, ESQUIRE (#3293)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
Attorney for Plaintiff

DATED: 4/23/08

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

RICHARD PIOTROWSKI :

Plaintiff, :

v. :

C.A. NO.: 06CV631- SLR

MAO M. IAN :

Defendants/Third-Party Plaintiffs, :

v. :

HANOVER INSURANCE COMPANY, and
ALLSTATE INSURANCE COMPANY, :

Third-Party Defendants. :

NOTICE OF MOTION

PLEASE TAKE NOTICE that the plaintiff, by and through his undersigned counsel, will present Plaintiff Motion for Default Judgment before this Honorable Court at the convenience of the Court.

PHILLIPS, GOLDMAN & SPENCE, P.A.

J.P. Hall

JAMES P. HALL, ESQUIRE (#3293)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
Attorney for Plaintiff

DATE: 4/23/08

P10R1-1

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

Richard Piotrowski
 1006 12th Avenue V.
 Ridley Park PA

Mao M. Ian, Et. Al.

SUMMONS IN A CIVIL CASE

CASE NUMBER: 06-631 SCR

Jury Trial Demanded

TO: (Name and address of Defendant)

Insurance Corp. of Hanover
 500 Park Boulevard, Suite 1350
 Itasca, Illinois 60143

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James P. Hall, Esquire
 Phillips Goldman & Spence
 1200 N. Broom Street
 Wilmington, DE 19806

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

(By) DEPUTY CLERK

DATE

9/19/07

• AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(l)	DATE 9/25/07	
NAME OF SERVER (PPJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ <input type="checkbox"/> Returned unexecuted: _____ <input checked="" type="checkbox"/> Other (specify): SERVED: INSURANCE CORP. OF HANOVER C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBANEAU		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>9/25/07</u> Date <u> </u></p> <p><i>[Signature]</i> Signature of Server BRANDYWINE PROCESS SERVERS, LTD. P.O. BOX 1360 WILMINGTON, DE 19899-1360 302- 475-2600</p>		

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MAO M. IAN :
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Defendants/Third-Party Plaintiffs, :
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v. :
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HANOVER INSURANCE COMPANY, and :
ALLSTATE INSURANCE COMPANY, :
:
Third-Party Defendants. :
:

ORDER

AND NOW, TO WIT, this day of , 2008, this cause having
come to be considered on Plaintiff's Motion for Default Judgment, and there being good cause
for the granting of such Motion;

IT IS HEREBY ORDERED that judgment by default be entered against defendant
Hanover Insurance Company pursuant to Superior Court Civil Rule 55(b)(2) that an inquisition
hearing be scheduled to determine the amount of damages plaintiff is entitled to in this case.

J.

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

RICHARD PIOTROWSKI

Plaintiff,

v.

C.A. NO.: 06CV631-SLR

MAO M. IAN

Defendants/Third-Party Plaintiffs,

v.

HANOVER INSURANCE COMPANY, and
ALLSTATE INSURANCE COMPANY,

Third-Party Defendants.

CERTIFICATE OF SERVICE

I, James P. Hall, Esquire, HEREBY CERTIFY that on April 24, 2008 two (2) copies of the foregoing **Plaintiff's Motion for Entry of Judgment by Default** were served via first class mail, upon the following:

David L. Baumberger, Esquire
Chrissinger & Baumberger
Three Mill Road, Suite 301
Wilmington, DE 19806

Michael A. Pedicone, Esquire
Michael A. Pedicone, P.a.
109 West 7th Street
P.O. Box 1395
Wilmington, DE 19899

Insurance Corporation of Hanover
500 Park Boulevard, Suite 1350
Itasca, IL 60143

PHILLIPS, GOLDMAN & SPENCE, P.A.

J.P. Hall
JAMES P. HALL, ESQUIRE (#3293)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
Attorney for Plaintiff

DATED: 4/23/08

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

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	:	
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	:	

AFFIDAVIT OF DEFAULT JUDGMENT

STATE OF DELAWARE

} SS.

NEW CASTLE COUNTY

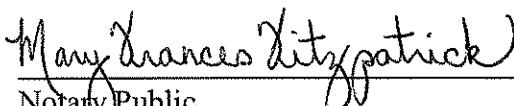
BE IT REMEMBERED that on this _____ day of April, 2008, personally came before me, a Notary Public for the State and County aforesaid, the undersigned, attorney for the above-named Plaintiffs, who being by me duly sworn according to law, stated:

1. Defendant Hanover Insurance Company is not an infant or incompetent person.
2. Defendant Hanover Insurance Company has made default in appearance in this action in that it has failed to comply with the Rules of the Court in failing to enter its appearance, filing an Answer to plaintiff's Complaint or otherwise plead in this case.
3. Defendant Hanover Insurance Company is not in the Armed Forces of the United States.


JAMES P. HALL, ESQUIRE

SWORN TO AND SUBSCRIBED before me the day and year above

written.



Notary Public

MARY FRANCES FITZPATRICK
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Nov. 15, 2008